

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Lorraine Elisabeth Pena, et al.

Confirmation No.: **5718**

Application No.: **09/634,399**

Group Art Unit: **1617**

Filing Date: **August 9, 2000**

Examiner: **Shobha Kantamneni**

For: **NOVEL COMPOSITIONS OF MINOXIDIL**

**SUMMARY OF CLAIMED SUBJECT MATTER AS
REQUIRED BY 37 C.F.R. § 41.37(c)(1)(v)**

This paper is being filed pursuant to a Notice of Non-Compliant Brief dated August 22, 2006. The Summary of the Claimed Subject Matter section of Applicants' previously submitted brief has been revised to include reference to the specification by page and line number to comply with 37 C.F.R. § 41.37(c)(1)(v).

Summary of Claimed Subject Matter

Independent claim 1 is directed to a composition in the form of a single-phase gel {**page 5, lines 9 to 12**} comprising from about 5% to about 8% minoxidil {**page 6, line 9**}, a crosslinked copolymer of acrylic acid as a thickening agent {**page 8, lines 30 to 31**}, and a pharmaceutically acceptable solvent {**page 6, line 14 and lines 18 to 20**}, wherein said minoxidil is present at a concentration which is less than its solubility limit in said composition {**page 6, lines 12 to 17**}.

Independent claim 62 is directed to a composition in the form of a single-phase gel {**page 5, lines 9 to 12**} comprising:

from about 5% to about 8% of minoxidil {**page 6, line 9**};

from about 30% to about 80% of a first solvent {**page 7, lines 17 to 18**}

selected from the group consisting of propylene glycol, dipropylene glycol, hexylene glycol, 1,3-butylene glycol, PEG-200, PEG-400, and glycerol {**page 7, lines 2 to 5**};

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from about 10% to about 50% a second solvent {page 7, lines 17 to 18}
selected from the group consisting of ethanol, propanol and butanol {page 6,
lines 27 to 28};

from about 0.01% to about 50% of a crosslinked copolymer of acrylic acid
{page 10, lines 11 to 12; page 27 and 28, original claims 62 and 69};

from about 0% to about 3% of a neutralizing agent {page 11, lines 12 to 13};
and

water (qs) {page 11, lines 23 to 24}

wherein said minoxidil is present at a concentration which is less than its solubility
limit in said composition {page 6, lines 12 to 17}.

Independent claim 123 is directed to single-phase gels as recited in independent claim
62, except that the transitional phrase *consists essentially of* is utilized instead of
comprising. The claim also recites that the gels optionally include one or more
pharmaceutically acceptable additives or ingredients selected from the group consisting of
hair conditioners, panthenol, calcium pantothenate, colorants, fragrances, vitamin E,
penetration modifiers, surfactants, cosmetic agents, fatty acids and fatty acid esters, herbal
extracts, henna, emulsifiers, wetting agents, sunscreens, and anti-irritants {page 12, lines 5 to
12}.

Respectfully submitted,

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